

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claim 17 has been amended. Claims 2, 5, 15, 18 and 21-23 have been previously cancelled. Claim 35 has been added. Therefore, claims 1, 3-4, 5-14, 16-17, 19-20, 24-35 now are presented for examination.

35 U.S.C. § 103 Rejection

Claims 1, 4, 6-12, 14, 16-17, 20, 24 and 26-33 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kenner et al., U.S. Patent No. 6,269,394 (“Kenner”), in view of Rune, U.S. Patent No. 6,304,913 (“Rune”), and in further view of Adrangi, et al. U.S. Patent No. 6,687,846 (“Adrangi”).

In accordance with 35 U.S.C. §103(c), *“subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”* This subsection applies to all applications filed on or after November 29, 1999. (M.P.E.P. §706.02(l)(1); emphasis provided). Furthermore, M.P.E.P. 706.02(l)(2)(II) states that “[t]he following statement is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same . . . organization: . . . *the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.*” (M.P.E.P. 706.02(l)(2)(II); emphasis provided).

Adrangi (U.S. Patent No. 6,687,846) was filed by another in the U.S. on March 30, 2000. This filing date precedes the December 29, 2000 filing date of the present application. Based on these dates Adrangi properly qualifies as a reference under

§102(e)/§103(a). Further, in support of the required common ownership under 35 U.S.C. 103(c), it is hereby averred that the current application (Application Serial No. 09/752,648) and Adrangi were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same organization. Applicants submit that such statement alone is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same organization. (see M.P.E.P. 706.02(I)(2)(II)).

Therefore, Applicants respectfully submit that Adrangi has been removed as a valid reference under 35 U.S.C. 103(a) against the claims of the current application. Accordingly, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn.

Claims 9, 14, 17, 24, 29 and 30 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request that the rejection of claims 9, 14, 17, 24, 29 and 30 and their dependent claims be withdrawn.

35 U.S.C. § 103 Rejection

Claims 3, 13, 19, 25 and 34 stand rejected under 35 U.S.C. §103(a), as being unpatentable over (“Kenner”), in view of (“Rune”), further in view of (“Adrangi”), and in further view of Alkhatib, U.S. Patent No. 6,119,171 (“Alkhatib”).

With regard to claims 3, 13, 19, 25 and 34, they depend from one of independent claims 1, 9, 17, 24, and 30 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 3, 13, 19, 25 and 34.

New Claim

Claim 35 depends from independent claim 14, thus for the reasons stated above, claim 35 is in proper condition for allowance.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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